

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

TRAVIS TORGERSON,

Plaintiff,

V.

C. GREGORY, et al.,

Defendants.

Case No. 6:19-cv-514-JDK-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE
ON HENDERSON COUNTY DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT**

Plaintiff Travis Torgerson, proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit under 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. The Magistrate Judge issued a Report recommending that the motion for summary judgment filed by the Defendants Henderson County, Sheriff Hillhouse, Major Faught, and investigators Nutt and Slaton be granted and the claims against these Defendants dismissed without prejudice for failure to exhaust administrative remedies. A copy of this Report was sent to the Plaintiff at his last known address, return receipt requested, but no objections have been filed.


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Plaintiff did not file objections in the prescribed period. The Court therefore reviews the Magistrate

Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendation, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. The Court therefore adopts the Report and Recommendation of the United States Magistrate Judge as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 67) be **ADOPTED**. The claims against the Defendants Henderson County, Sheriff Hillhouse, Major Faught, and investigators Nutt and Slaton are **DISMISSED WITHOUT PREJUDICE** for failure to exhaust administrative remedies. These Defendants are **DISMISSED** as parties to the lawsuit. The dismissal of these claims and parties shall not affect the remaining claims and parties in the case.

So ordered and signed on this
Jan 7, 2021


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE